

## **REMARKS**

By this amendment, claims 20 and 30 have been canceled. Claims 4, 6, 14, 16-18, 21-22, 24-26, 29 and 31-33 have been amended. Support for the amendments to the claims can be found in the specification at least on pages 2-4 and 6-7. Claims 4, 6, 14, 16-18, 21-22, 24-26, 29 and 31-33 remain in the application. This application has been carefully considered in connection with the Examiner's Action. Reconsideration, and allowance of the application, as amended, is requested.

### **Objection to the Claims**

Claims 4, 6, 14, 16-18, 25 and 30-33 stand objected to because of informalities. By this amendment, claim 30 has been canceled, thus rendering the objection thereof now moot. With respect to claims 4, 6, 14, 16-18, 25 and 31-33, as presented herein, the respective claims have been amended to spell out noted acronyms and to fix minor typographical errors. Withdrawal of the objection is respectfully requested.

### **Rejection under 35 U.S.C. §112**

Claim 6 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant notes the rejection and has amended claim 6, as presented herein, to include antecedent basis for the limitation of "control device" in the claim. Accordingly, the rejection of claim 6 is now believed overcome and should be withdrawn.

### **Rejection under 35 U.S.C. §102**

Claim 17 was rejected under 35 U.S.C. §102(e) as being anticipated by Zintel et al. (US 7,130,895; hereafter "**Zintel**"). Applicant respectfully traverses this rejection for at least the following reasons.

The PTO provides in MPEP § 2131 that  
*"[t]o anticipate a claim, the reference must teach every  
element of the claim...."*

Therefore, with respect to claim 17, to sustain this rejection the **Zintel** reference must contain all of the above claimed elements of the claim. However, as is now presented herein, and contrary to the examiner's position that all elements are disclosed in the **Zintel** reference, the latter reference does not disclose enabling a server "to identify extensible mark-up language (XML) tags that specify control codes included in data in XML language format ... being representative of (1) control codes for controlling ... and (2) instructions for rendering icons and soft buttons on a graphical user interface (GUI) *touch screen* which *emulate* control keys of a dedicated remote control device for the *specified apparatus*; and ... *delivery* of the control codes to [a] universal programmable remote control device, wherein the control codes are *not directly usable* by the specified apparatus *until conversion* ... via an extensible mark-up language (XML) *application* into commands for being *installed* and *locally processed* by the universal programmable remote control device and ... sent by the universal programmable remote control device to the specified apparatus independent of the bidirectional data network" (emphasis added) as is claimed in claim 17. Therefore, the rejection is not supported by the **Zintel** reference and should be withdrawn.

Accordingly, claim 17 is allowable and an early formal notice thereof is requested. The 35 U.S.C. §102(e) rejection thereof has now been overcome. Withdrawal of the rejection is respectfully requested.

### **Rejection under 35 U.S.C. §103**

Claim 33 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Shen et al. (US 6,401,059; hereafter "**Shen**"). Applicant respectfully traverses this rejection on the grounds that the **Shen** reference is defective in establishing a prima facie case of obviousness.

Independent claim 33, as now presented, more clearly recites, inter alia, a universal programmable remote control device having a processor programmed to "... retrieve (1) infra-red (*IR*) or radio-frequency (*RF*) control codes as data in an *extensible mark-up language* (XML) format for the consumer appliance to be controlled and (2) a description as data in an XML format of a key pad layout corresponding to the dedicated remote control device for the consumer appliance to be controlled ... *convert* the retrieved IR or RF *control codes* and *key pad layout description* via an XML application into *commands* for *installation* and *local processing* on the *universal programmable remote control device* and store the converted IR or RF control codes and the key pad layout description in the memory ... *control* the touch screen display via a corresponding stored key pad layout command to *display icons* depicting the *key pad layout* corresponding to the dedicated remote control device for the consumer appliance to be controlled ... wherein the *universal programmable remote control device emulates* the *dedicated* remote control device for a corresponding ... controlled consumer [appliance] (emphasis added). Support for the amendments to claim 33 can be found in the specification at least on pages 2-4 and 6-7.

Applicant submits that **Shen** and the definition of a personal digital assistant (PDA) neither discloses nor suggests at least the aforementioned feature of independent claim 33. In particular, it is submitted that the citation to the definition of a personal digital assistant (PDA) does not remedy the conceded deficiency in the primary citation to **Shen**. Accordingly, without conceding the propriety of the asserted combination, the asserted combination of **Shen** and the definition of a personal digital assistant (PDA) is likewise deficient, even in view of the knowledge of one of ordinary skill in the art.

The Office Action concedes that **Shen** does not expressly disclose the touch screen GUI of a universal remote. (Office Action, page 6-7). Nonetheless, the Office Action rejects independent claim 33, wherein the Office Action alleges that "[m]any PDAs employ touch screen technology (wherein Shen et al. teach downloading control

code in XML language format into the remote control (PDA) (column 2, line 52 through column 3, line 15)).” (Office Action, page 7). As presented above, claim 33 has been amended for clarification. In view thereof and as will be explained further herein below, this contention that the definition of a PDA provides necessary disclosure is respectfully traversed.

The Office Action, on page 7, refers the applicant to Shen, column 2, lines 52 through column 3, line 15. However, it is submitted that the cited portion of **Shen** does not disclose downloading control code in XML language format into the remote control (PDA). As disclosed in **Shen** at column 2, lines 45-47, “The software program 204 downloads television program schedule information from a web page 208 ...”. (emphasis added). “[T]his information is in the Hypertext Markup Language (HTML) format.” (Shen, column 2, lines 52-53). “[T]he software program 204 has the capability to convert the information from the HTML format to ... Extended Markup Language (XML).” (Shen, column 2, lines 58-61). Accordingly, **Shen** does not disclose downloading control code in XML language format into a remote control.

In view of the definition of a personal digital assistant (PDA) as indicated in the Office action, page 7, it is unknown how a PDA’s touch screen technology could be interpreted to read on “a description as *data* in an XML format of a key pad layout corresponding to the dedicated remote control device for the consumer appliance to be controlled ... *convert* the retrieved IR or RF *control codes* and *key pad layout description* via an XML application into *commands for installation* and *local processing* on the *universal programmable remote control device* and store the converted IR or RF control codes and the key pad layout description in the memory ... *control* the touch screen display via a corresponding stored key pad layout command to *display icons* depicting the *key pad layout* corresponding to the dedicated remote control device for the consumer appliance to be controlled ... wherein the *universal programmable remote control device emulates* the *dedicated* remote control device for a corresponding ... controlled consumer [*appliance*]” as is now recited in claim 33. Thus, definition of PDA

does not provide a disclosure that teaches the aforementioned feature of independent claim 33, nor does the definition of PDA remedy the aforementioned, conceded deficiency in the primary citation to **Shen**.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claim 33 under 35 U.S.C. §103 are respectfully requested. The 35 U.S.C. §103(a) rejection thereof has now been overcome.

Claims 4, 6, 14, 16, 18, 20-22, 24-26 and 29-32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Zintel et al. (US 7,130,895; hereafter "**Zintel**") in view of Shen et al. (US 6,401,059; hereafter "**Shen**"). By this amendment, claims 20 and 30 have been canceled, thus rendering the rejection thereof now moot.

With respect to independent claim 6, applicant respectfully traverses this rejection on the grounds that the **Zintel** and **Shen** references are defective in establishing a prima facie case of obviousness.

Independent claim 6, as now presented, more clearly recites, inter alia, a method of configuring a *universal programmable remote control device* that includes "extensible mark-up language format *control code* for each specified apparatus including (1) a code set ... to control a state of the specified apparatus and (2) code to control the touch screen GUI of the universal programmable remote control device to display a *graphical representation* of the control panel of [a] dedicated remote control device of the specified apparatus ... including an image of icons and soft keys corresponding to control panel keys of the dedicated remote control device of the specified apparatus ... the *control code* not being usable by the specified apparatus *until* ... *converted* via an extensible stylesheet language (XSL) application into *commands* for installation and local processing on the universal programmable remote control device *and transmitted from* the universal programmable remote control device to the specified apparatus by an

infra-red (IR) or radio-frequency (RF) transmission ... wherein the specified apparatus is not preconfigured to deliver or cause delivery of its respective control code to a control device; enabling the universal programmable remote control device to convert the installed and locally processed control code into (1) associated commands to control the specified apparatus and (2) the soft keys and the graphical representation of the icons on the touch screen GUI of the universal programmable remote control device ... depicts the control panel of the dedicated remote control device corresponding to the specified apparatus" (emphasis added). Support for claim 6 (as well as for claims 14, 16, 18 and 31) can be found in the specification at least on pages 2-4 and 6-7.

Applicant submits that neither **Zintel** nor **Shen** discloses at least the aforementioned feature of independent claim 6. In particular, it is submitted that the secondary citation to **Shen** does not remedy the conceded deficiency in the primary citation to **Zintel**. Accordingly, without conceding the propriety of the asserted combination, the asserted combination of **Zintel** and **Shen** is likewise deficient, even in view of the knowledge of one of ordinary skill in the art.

The Office Action concedes that **Zintel** does not expressly disclose a graphical representation of the icons on the touch screen GUI of the universal remote such that the touch screen GUI depicts the control panel of the dedicated remote including icons and soft keys (Office Action, pages 8-9). Nonetheless, the Office Action rejects independent claim 6, contending that the secondary citation to **Shen** provides this necessary disclosure. (Office Action, page 9). As discussed above, claim 6 has been amended for clarification. In view thereof and as will be explained further herein below, this contention that **Shen** provides necessary disclosure is respectfully traversed.

The Office Action alleges that **Shen** teaches a universal remote user interface being as front panel display for controlling the specified apparatus and a PDA screen including icons and soft keys (figure 3, column 3, lines 8-12, lines 60-65); column 1, lines 18-40). In addition, the Office Action contends that **Shen** does not explicitly show the touch screen GUI of the universal remote. (Office Action , page 9). The Office Action

further alleges that “the touch screen GUI of the universal remote was a well known feature ... because Shen teaches a method and system for using a personal digital assistant (PDA) as a remote control (wherein Shen et al. teach downloading control code in XML language format into the remote control (PDA) (column 2, line 52 through column 3, line 15)).” (Office Action, page 9).

However, it is submitted that the cited portion of **Shen** does not disclose downloading control code in XML language format into the remote control (PDA). As disclosed in **Shen** at column 2, lines 45-47, “The software program 204 downloads television program schedule information from a web page 208 ...”. (emphasis added). “[T]his information is in the Hypertext Markup Language (HTML) format.” (Shen, column 2, lines 52-53). “[T]he software program 204 has the capability to convert the information from the HTML format to ... Extended Markup Language (XML).” (Shen, column 2, lines 58-61).

Thus, **Shen** does not disclose downloading control code in XML language format into a remote control, as required by claim 6. In view of this, it is unknown how the PDA touch screen of **Shen** could be interpreted to read on configuring a *universal programmable remote control device* that includes “extensible mark-up language format *control code* for each specified apparatus including (1) a code set ... to control a state of the specified apparatus and (2) code to control the touch screen GUI of the universal programmable remote control device to display a *graphical representation* of the control panel of [a] dedicated remote control device of the specified apparatus ... including an image of icons and soft keys corresponding to control panel keys of the dedicated remote control device of the specified apparatus ... the *control code* not being usable by the specified apparatus *until ... converted* via an extensible stylesheet language (XSL) application into *commands* for installation and local processing on the universal programmable remote control device *and transmitted from* the universal programmable remote control device *to* the specified apparatus by an infra-red (IR) or radio-frequency (RF) transmission ... wherein the specified apparatus is not preconfigured to deliver or

cause delivery of its respective control code to a control device; enabling the universal programmable remote control device to convert the installed and locally processed control code into (1) associated commands to control the specified apparatus and (2) the soft keys and the graphical representation of the icons on the touch screen GUI of the universal programmable remote control device ... depicts the control panel of the dedicated remote control device corresponding to the specified apparatus” as recited in claim 6. Thus, **Shen** does not provide a disclosure that teaches the aforementioned feature of independent claim 6, nor does **Shen** remedy the aforementioned, conceded deficiency in the primary citation to **Zintel**.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claim 6 under 35 U.S.C. §103 are respectfully requested. Claim 4 depends from and further limits allowable independent claim 6 and therefore is allowable as well. The 35 U.S.C. §103(a) rejection thereof has now been overcome.

Claim 14 has been amended in a manner similar to the amendments to claim 6. Accordingly, for similar reasons as stated with respect to overcoming the rejection of claim 6, claim 14 is believed allowable and an early formal notice thereof is requested. Claim 21 depends from and further limits allowable independent claim 14 and therefore is allowable as well. The 35 U.S.C. §103(a) rejection thereof has now been overcome. Withdrawal of the rejection is respectfully requested.

Claim 16 has been amended in a manner similar to the amendments to claim 6. Accordingly, for similar reasons as stated with respect to overcoming the rejection of claim 6, claim 16 is believed allowable and an early formal notice thereof is requested. The 35 U.S.C. §103(a) rejection thereof has now been overcome. Withdrawal of the rejection is respectfully requested.



Claims 24, 29 and 32 depend from and further limit allowable independent claim 17 and therefore are allowable as well.

Claim 18 has been amended in a manner similar to the amendments to claim 6. Accordingly, for similar reasons as stated with respect to overcoming the rejection of claim 6, claim 18 is believed allowable and an early formal notice thereof is requested. Claims 25 and 26 depend from and further limit allowable independent claim 18 and therefore are allowable as well. The 35 U.S.C. §103(a) rejection thereof has now been overcome. Withdrawal of the rejection is respectfully requested.

Claim 31 has been amended in a manner similar to the amendments to claim 6. Accordingly, for similar reasons as stated with respect to overcoming the rejection of claim 6, claim 31 is believed allowable and an early formal notice thereof is requested. Claim 22 depends from and further limits allowable independent claim 31 and therefore is allowable as well. The 35 U.S.C. §103(a) rejection thereof has now been overcome. Withdrawal of the rejection is respectfully requested.

### **Conclusion**

Except as indicated herein, the claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve their right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or a continuation application. In addition, the Office Action contains a number of statements characterizing the claims, the specification, and the prior art. Regardless of whether such statements are addressed by Applicant, Applicant refuses to subscribe to any of these statements, unless expressly indicated by Applicant.

The matters identified in the Office Action of April 15, 2010 are now believed resolved. Accordingly, the application is believed to be in proper condition for allowance. The amendments herein are fully supported by the original specification and drawings; therefore, no new matter is introduced. An early formal notice of allowance of claims 4, 6, 14, 16-18, 21-22, 24-26, 29 and 31-33 is requested.

Respectfully submitted,

By: /Michael J. Balconi-Lamica/

Michael J. Balconi-Lamica  
Registration No. 34,291  
for Edward Goodman, Reg. No. 28,613

Dated: July 13, 2010  
Philips Intellectual Property & Standards  
345 Scarborough Road  
Briarcliff Manor, New York 10510  
Telephone: 914-333-9611  
Facsimile: 914-332-0615  
File: US000183US

a-32658.377